

THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 5598 of 2007

Between:

V.Indrasena Reddy, s/o. late V.Ram Reddy

...Petitioner

and

1)The State of Andhra Pradesh, rep. by its
Principal Secretary, Industries & Commerce (I.E.) Dept.,
Secretariat, Hyderabad
& 2 others

...
Respondents

ORDER:

(Per the Hon'ble Sri Justice K.C.Bhanu, J.)

The present Writ Petition is filed to issue an appropriate writ, order or direction in the nature of Writ of Mandamus setting aside the Order dated 18.01.2007 in O.A. No.1951 of 2006 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (APAT), as arbitrary

and illegal.

The petitioner was promoted as Joint Director of Industries in the year 2003 and he was in-charge of the post of Additional Director in addition to his duties as Joint Director. One H.Shivaram working as Joint Director filed O.A. No.1951 of 2006 before the APAT challenging the proceedings no.221/2004/0473/0473/FD-3, dated 17.3.2006 issued by the Commissioner of Industries (R.2), which is seniority list of Deputy Directors working in the Department of Industries. Considering the material on record, the APAT, by the impugned Order, allowed the O.A. setting aside the impugned proceedings declaring the final seniority list of Deputy Director of Industries as not legal and valid in law and directed the Commissioner of Industries (R.2) to finalise the seniority list within a period of three months from the date of receipt of copy of the said Order. Challenging the same, the present Writ Petition is filed.

Heard both the counsel. It is not in dispute before this Court that the Government issued G.O.Ms. No.250 Industries & Commerce (IE) Department, dated 30.4.2007 promoting the petitioner to the post of Additional Director of Agriculture, and on the same day, he retired from service on superannuation.

The only grievance of the petitioner in this Writ Petition is with reference to consideration of his claim of promotion as Additional Director before his retirement. It is specifically stated that he has no grievance as to whether the seniority list should be drawn up by the Government or by the Head of the Department. Therefore, the writ petitioner prayed this Court to direct the respondents 1 and 2 to make promotions to the post of Additional Director basing on the seniority list of Joint Directors prepared and communicated by Memo No.10229/I.E-A.1/2006-1, dated 11.10.2006. His grievance has been considered by the Government and he was promoted to the post of Additional Director of Industries as per the G.O.Rt. No.250, dated 30.04.2007. Therefore, the issue to be answered in this Writ Petition is purely an academic question.

Where the question raised by the petitioner with regard to his promotion ceased to survive during the pendency of the Writ Petition, it remained only an academic question. So, the question that has been raised in this Writ Petition is not required to be decided for the effective decision of the Writ Petition. In such a view of the matter, there is no need for this Court to answer the academic question.

Accordingly, the Writ Petition is dismissed without expressing any opinion as to the correctness or legality of the judgment dated 18.01.2007 in O.A. No.1951 of 2006 of APAT, and consequently the interim order passed by this Court in W.P.M.P. No.7152 of 2007, dated 19.04.2007 is vacated. No costs.

(P.S.Narayana, J.)

(K.C.Bhanu, J.)

16 .05.2007
DRK